

MINUTES

NATURAL RESOURCES COMMISSION

Crossroads Village and Huckleberry Railroad
6140 Bray Road
Flint

December 9, 2004

PRESENT FOR THE COMMISSION

Mary Brown
Keith Charters, Chair
Bob Garner, Vice-Chair
Jerry Hall
John Madigan
Frank Wheatlake

PRESENT FOR STAFF

Mark Matus, Office of the Attorney General
Rebecca Humphries, Director
Dennis Fedewa, Chief Deputy
Mindy Koch, Resource Management Deputy
Jim Ekdahl, Upper Peninsula Field Deputy
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:08 p.m. on Thursday, December 9, 2004. The Committee of the Whole is a working session of the NRC.

WELCOME TO GENESEE COUNTY

Commissioner Hall welcomed everyone to Crossroads Village and Huckleberry Railroad in Genesee County. **Commissioner Hall** presented a gift, the 1993 winning Duck Stamp print, to each Commissioner, Director Humphries and Genesee County Parks and Recreation. **Clark Sullivan**, the design's artist, was present.

Commissioner Hall introduced **Joe Krapohl, President, Chairman, Genesee County Parks and Recreation Commission** highlighted features of Crossroads Village and encouraged everyone to enjoy and bring their families to the Village.

Amy McMillan, Director, Genesee County Parks and Recreation Commission, welcomed the NRC and DNR staff then presented a slide show featuring Genesee County's many recreational opportunities. Funding for the County's projects come from a multitude of grants, funds and contributions, including the Michigan Natural Resources Trust Fund, Waterways funds, Clean Michigan Initiative funds, and others. Anywhere one may be in Genesee County, you are always within 20 minutes of a County park. **Ms. McMillan** noted that access to the parks, both physical and economical, are a high priority. Year after year, volunteers return to assist in operations of the many outdoor activities provided by the parks system. She thanked the NRC and DNR for coming to Genesee County.

LEGISLATIVE UPDATE

Rodney Stokes, Legislative Liaison, presented a Legislative Update as follows:

HJR Z/HB 5870: Proposes an amendment to the State Constitution of 1963 providing for the establishment of the Michigan Conservation and Recreation Legacy Fund, the Michigan Game and Fish Protection Trust Fund, and the Michigan Nongame Fish and Wildlife Trust Fund. If this Resolution is passed, this issue will be put before the voters in the 2006 general election and would bar State officials from raiding these funds as occurred in recent years. The Senate amended and approved HJR Z and HB 5870 on December 8, 2004 and the House concurred on December 9, 2004.

SB 926: Extends the sunset date of the NRC's authority to regulate feeding and baiting of free-ranging deer and elk to January 1, 2010. This bill passed the House and the Senate on December 9, 2004 and was enrolled.

SB 1105: Payment in Lieu of Taxes (PILT): This Bill was enrolled on December 9, 2004 and does the following:

- Freezes property valuations at 2004 level, or the level when the property is purchased, until 2009;
- After 2009, valuations will increase by inflation or 5 percent per year, whichever is less;
- DNR no longer pays the State Education Tax, a savings of about \$2.4 M;
- Freezes the millage rates at the 2004 level;
- Requires that not more than 50 percent of the PILT be made from restricted funds and the remainder from GF/GP;
- Beginning in FY 2006, school taxes are to be charged against the School Aid Fund, and the balance of the payments after that are to be as above (50 percent restricted and 50 percent GF/GP);
- Establishes proration language for when PILT is not fully funded, but states that partial payments do not satisfy the PILT obligation;
- Assessing districts must forward one statement to the DNR at the same time that the winter property tax levies are mailed;
- Local taxing authorities may exempt the DNR from the PILT obligation.

HB 4225: Youth Hunting: **Director Humphries** reported that this Bill passed the House but would not proceed further in this session. A Work Group is being established to address the hunter age issues and also expand beyond the Bill's contents to recruitment and retention. This Work Group will meet in early January, 2005.

LITIGATION UPDATE

Carol Bambery, DNR's Legal Services Coordinator, reported on the following pending litigation issues:

Bobcat Trapping Lawsuit: The Michigan Bear Hunters Association asked the court for an injunction that would stop trapping in the Northern Lower Peninsula. The court upheld the NRC order allowing trapping in the Northern Lower and did not issue an injunction against the NRC/DNR. The Court said that the plaintiffs failed to show that trapping in the Northern Lower Peninsula would impair populations; was unable to establish irreparable injury; would not likely be able to prevail in trial; and failed to provide evidence that the NRC did not use sound science in the decision-making process.

Commissioner Garner said it was unfortunate that the DNR had to spend hunters' monies to address this lawsuit and said that the lesson was that when one group believes the resource is their own, it negatively impacts all hunters. **Carol Bambery** commended the Wildlife Division staff for their expediency in preparing materials for the appeals hearing.

Island Lake Shooting Range: The Court accepted filings by the DNR and granted DNR's request for expedited consideration including request for stay of injunction. **Mark Matus, Legal Counsel**, said that the Court of Appeals will likely rule outside of a hearing. **Commissioner Garner** reiterated his comment and his disappointment that hunters' dollars were spent on legal fees in this case.

PARKS AND RECREATION DIVISION SHORTFALL

Dennis Fedewa, Chief Deputy, indicated that the Parks and Recreation Bureau has a projected \$1,575,700 shortfall for the current Fiscal Year (FY) 2005 due to the erosion of Parks and Recreation Bureau's appropriated budget level to keep pace with non0discretionary operational costs such as fuel, utilities, etc. The first \$731,800 shortfall will be addressed through reduction in operating expenditures as follows:

- Reduce the number of park rangers completing Law Academy from 30 to 15;
- Continue transition of printing form to electronic;
- Financing special events in the Parks with donations, outside sponsors/gifts, and/or reduced expenditures;
- Eliminate funding for 800 MHz radios;
- Reduce new equipment purchases;
- Reduce the allocation of expenses for campground hosts.

ACCESSIBILITY OF DNR OFFICES

Director Humphries reported that, beginning in January, 2005, the Atlanta and Gwinn Field Offices will be reopened to the public. Additional office openings will be evaluated in the coming months.

PARKS AND RECREATION DIVISION CHIEF APPOINTMENT – RON OLSON

Mr. Olson most recently was head of the City of Ann Arbor's Parks and Recreation Division since 1985. He is past-president of the Michigan Recreation and Park Association and has directed other state and local park agencies in Maryland and Indiana. He earned his Bachelor's degree in Recreation and Park Administration from the University of Minnesota and his Master's Degree in the same major from Indiana University. **Director Humphries** said she is pleased to have Mr. Olson join the DNR team. He will start on January 3, 2005.

LAND REVIEW PROCESS UPDATE

Mindy Koch, Resource Management Deputy, reported that the Land Review Process is currently in Phase II – review of DNR lands outside DNR boundaries. Staff hopes to review 10 counties every four months. Berrien and Dickinson counties have been reviewed to date. Public land review meetings are being held in each county as part of the process. She reported that, in Berrien County, most comments and questions related to the review process, and in Dickinson County the comments and questions were more site specific. **Commissioner Brown** noted that it is very important for the local governments to be involved in this process.

WILDLIFE DIVISION CHIEF APPOINTMENT - WILLIAM MORITZ

Director Humphries announced that **Dr. William Moritz** has been appointed as Wildlife Division Chief. He joined the Wildlife Division in 1993 and has served as Assistant Chief since February of 2003. His previous experience includes the Iowa Department of Natural Resources and several other wildlife management positions in the Michigan DNR. He has a Bachelor's degree in Fish and Wildlife Biology from Iowa State University, a Master's degree in Fish and Wildlife Management from Montana State University, and a PhD. In Zoology from Southern Illinois University at Carbondale. **Dr. Moritz** said it will be a pleasure to work with Wildlife Division staff and serve as Division chief.

MARCH 2005 NRC MEETING – DATE CHANGE

The NRC agreed that the NRC meeting scheduled for March 3, 2005 will be changed to March 10, 2005 and will be held in conjunction with the Department of Agriculture at the MSU Diagnostics Lab.

* * *

The Committee of the Whole meeting adjourned at 4:25 p.m. and the Regular Meeting of the NRC convened at 4:40 p.m.

PUBLIC APPEARANCES

Jim De Clerck, Saginaw
Alex Draper, Michigan Deer and Elk Farmer's Association
Gerald Fauble, Saginaw Field and Stream Conservation Club
Lonnie Kester, Millington
Robert McReavy, Oxford
Brian Preston, National Wildlife Federation
Randy Schuette, United Sportsmen's Alliance (USA)
Ed Spinazzola, Mid Michigan Branch, Quality Deer Management (QDM) Association

* * *

Ed Spinazzola, Mid Michigan Branch, Quality Deer Management (QDM) Association, requested that if the QDM guidelines are retained, that they be modified as follows: allow a simple majority (51 percent) for approval; have only two choices for survey answers – yes or no; have a fact sheet approved by both the sponsoring group and the DNR included in the initial survey that outlines the goals and expected biological benefits of the QDM five-year demonstration; send out a second survey after the five-year demonstration is complete rather than four years that includes a fact sheet approved by both the sponsoring group and the DNR that outlines the harvest data of the five-year demonstration to help the recipients make an informed decision; and remove the need for the sponsoring group to gather bio-harvest data of 100 bucks and 200 antlerless deer. **Mr. Spinazzola** believes that QDM is appropriate for the Upper Peninsula (UP). **Commissioner Madigan** said that habitat issues in the UP are being addressed through the UP Habitat Work Group.

Randy Schuette, United Sportsmen's Alliance (USA), did not comment during the public comment period, but had expressed his concerns during the NRC Policy Committee on Wildlife Issues meeting earlier. He expressed ongoing opposition to QDM and QDM practices and does not believe those opposed to QDM are as strongly represented as those who support QDM. The USA proposal suggests that the current guidelines be grandfathered in for a minimum of five years.

Alex Draper, Michigan Deer and Elk Farmer's Association, thanked the DNR for conducting the farm audits (captive cervid) in a professional manner and said he looks forward to the audit results.

Lonnie Kester, Millington, thanked the DNR for granting Michigan Natural Resources Trust Fund monies for the Southern Links Trailway. **Commissioner Hall** thanked him for his personal donations to Genesee County projects.

Jim De Clerck, Saginaw, believes that a healthy population of huntable and fishable species, understandable regulations, and value of a hunting or fishing experience are all important in keeping hunters and youth interested in the outdoor experience. He encouraged the DNR and NRC to continue in their efforts to protect the hunting experience.

Gerald Fauble, Saginaw Field and Stream Conservation Club, encouraged development of programs in the Saginaw Bay area to increase hunting and fishing opportunities for utilization of resources in the area. Through prudent fisheries and wildlife land management, as well as cooperation and coordination by the local clubs to increase populations, these activities could become an economic force in the community. **Commissioner Brown** recommended that **Mr. Fauble** watch for the meetings to be held in his areas to discuss the land review.

Robert McReavy, Oxford, commented that the deer population on his property in Nexter Township, southern Roscommon County, is very low. He believes that issuance of doe permits in the area have eliminated the deer herd and, as a result, the local business generated by hunting activities has also diminished. Something needs to be done to restore the populations in the area. He noted that his club did not supplementally feed, but in the past couple of years have planted food plots for habitat. He stated that there are predators such as coyotes in the area. **Chairman Charters** noted that pressure from the insurance company has never impacted decision-making on deer populations. He said that increasing the deer population in this area would not greatly impact the number of car/deer accidents.

Brian Preston, National Wildlife Federation, commented on the movement of wolves into the Lower Peninsula and the resulting possibility of delisting. He requested that the issues be well communicated prior to any changes.

* * *

The Public Appearances portion of the meeting adjourned at 5:15 p.m. and the Regular Meeting convened at 5:16 p.m.

* * *

FOR INFORMATION ONLY-NRC ACTION IN JANUARY: Control of Free-Ranging Exotic Cervidae Species – Wildlife Conservation Order Amendment No. 1 of 2005

Director Humphries noted that this Amendment will allow for the taking of exotic species. The captive cervid industry supports this Amendment.

APPROVAL OF MINUTES – NOVEMBER 4, 2004 NATURAL RESOURCES COMMISSION MEETING

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried. Commissioner Wheatlake abstained because he was absent at the November 4, 2004 NRC Meeting.

HIGHLAND RECREATION AREA AND REINSTATEMENT OF NIGHTTIME FIREARM RESTRICTIONS, WILDLIFE CONSERVATION ORDER AMENDMENT, NO. 19 OF 2004

Commissioner Hall made a motion, supported by Commissioner Brown, for approval. Motion unanimously carried.

DIRECTOR'S ACTION ITEMS

Director Humphries stated her intent to sign all of the Director's Action Items on the Agenda. Discussion ensued relative to cost vs. appraised value and reasoning behind some of the purchases. **Commissioner Madigan** expressed appreciation for the UP habitat acquisitions.

COMMISSIONER REPORTS

Commissioner Garner reported that a Michigan Natural Resources Trust Fund Board meeting was held on December 7, 2004 in Lansing. He is a Board member. He noted that a great deal of Trust Fund dollars were spent on UP habitat areas.

NRC POLICY COMMITTEE ON WILDLIFE ISSUES

The NRC Policy Committee on Wildlife Issues met at 1:30 p.m., December 9, 2004, at Crossroads Village. Topics of discussion included: Update on Quality Deer Management Guidelines; Wildlife Regulations-Privately-owned Cervids; and 2005 Committee Goals. Commissioners Garner (Committee Chair), and Hall were present for the Committee. Commissioners Madigan, Brown, and Charters were also present for the NRC.

APPROVAL OF MINUTES – SEPTEMBER 9, 2004 NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION

Commissioner Hall made a motion, supported by Commissioner Wheatlake (Committee Chair), for approval. Motion unanimously carried.

COMMISSIONER REPORTS (continued)

Commissioner Wheatlake hunted outside of Michigan and also trapped coyotes.

Commissioner Hall enjoyed deer and pheasant season; met with the Friends of the Brighton Recreation Area to discuss land transaction issues; and intends to meet again with Genoa Township to discuss parks opportunities. He expressed his disappointment with the closure of Island Lake Shooting Range.

Commissioner Madigan received several calls on the UP QDM proposal; said the feedback he has received on the increase in the number of those surveyed for the QDM proposal, has been very positive; had a good deer hunting season; and announced that the next meeting of the UP Wildlife Habitat Committee will be held on January 29, 2005.

Commissioner Brown attended a DNR land review meeting in Berrien County. She said that staff did a great job in running this meeting.

Chairman Charters hunted a great deal for grouse and deer; spent a day riding with Conservation Officer (CO) Warren MacNeill where he observed many camps had closed early and did not see many youth hunters. He noted that baiting is still very prevalent. He recommended that Wayne Wood, President of Michigan Farm Bureau and Jim Byrum, Chair of the Commission of Agriculture also ride with a CO to observe feeding violations. He noted that the COs have worked hard at issuing warnings rather than writing tickets.

Commissioner Garner spent a day riding with CO Dave Painter.

**APPROVAL OF MINUTES OF THE NRC POLICY COMMITTEE ON LAND MANAGEMENT
MEETING – NOVEMBER 4, 2004**

Commissioner Brown made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

* * *

Chairman Charters thanked Commissioner Hall and Genesee County Parks and Recreation staff for hosting this meeting.

The meeting adjourned at 5:45 p.m.